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GOVERNMENT STATEMENT ON SHATT AL-ARAB

Tehran, Iranian Home Service, Jan. 3, 1960, 1100 GMT--M

(Foreign Ministry announcement on Iranian-Iraqi relations)

(Text) At noon today, a Foreign Ministry spokesman placed the following announcement at the disposal of press correspondents and PARS news agency:

Having regard to the fact that the Iranian-Iraqi dispute has attracted public attention, and has had its repercussion in foreign countries as well, and has given rise to various interpretations, and having regard to the fact that Iraqi rulers have distorted facts in their statements in order to (mislead?) opinion, the Foreign Ministry of the Imperial Government of Iran deems it necessary to release several facts about the circumstances of the dispute for public information.

Before dealing with the nature of the dispute, it is essential to stress the point that the foreign policy of the Imperial Government of Iran has constantly rested on the basis of respect for independence and territorial integrity of countries, as well as the policy of good neighborliness and settlement of disputes by peaceful means.

It was in pursuance of this policy that the Imperial Government of Iran, by a display of good faith and peaceful spirit, concluded the 1937 convention to settle its border disputes with the Iraqi Government. In accordance with the convention, the frontier of both countries was defined on land and in Shatt al-Arab and the arrangement for the administration of Shatt al-Arab on the basis of equal and joint rights of the two countries was determined.

From the date of the conclusion of the convention, the Iranian Government, by a display of full good faith, has constantly signified to the Iraqi Government its readiness to carry into effect the provisions of the convention. To begin with, following the conclusion of the convention in 1937 (in the month of Azar in 1317 Iranian solar year), the Iranian Government proposed to the Iraqi Government the formation of a frontier commission and both parties even designated their representatives. But it is to be regretted that the joint commission, in view of lack of cooperation on the part of Iraqi representatives, failed to achieve success in its work.

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Subsequently, after several months of negotiations, the work of the commission came to a standstill and was suspended, on the grounds that the Iraqi representatives had applied all their efforts to having their encroachments approved instead of delimiting the frontier, a fact which was not acceptable to Iranian representatives.

From that time on, despite repeated representations by the Iranian Government, the Iraqi Government has not yielded at all with respect to the reformation of the frontier delimitation commission. Even in September 1941 when Iran became an object of aggression, the Iraqi Government, contrary to the spirit of friendship and the existing treaties, and instead of expressing sympathy for the Iranian nation, took undue advantage of the disturbed state of affairs, and proceeded to occupy several frontier spots and to set up military outposts there.

From that date onward, despite repeated objections of the Iranian Government, it has refused to evacuate the said spots. An account of these encroachments, which are available in the archives, will be dealt with on another occasion.

Second, as regards the drawing up of an agreement for navigation, and for joint administration of Shatt al-Arab, as set out in article five of the covenant, Iranian efforts met with noncooperation from the Iraqi Government. Article five of the convention requires both parties to conclude with each other an executive agreement within a period of one year for the joint administration of Shatt al-Arab on the basis of equal rights, with a view to maintaining and improving the navigational route and for dredging (haffair), for pilotage, for collection of charges, for the adoption of sanitary measures, and for prevention of smuggling, and for all matters incidental to navigation in Shatt al-Arab.

In accordance with the protocol attached to the convention, if the said agreement is not drawn up within a period of one year, despite the efforts of both parties, the Iranian and Iraqi governments may, with mutual consent, extend this period and in the first year after the implementation of the convention, as well as in the event of the extension of the said period, the Iraqi Government, acting on behalf of the Iranian

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Government is required to inform the Iranian Government once every six months, of the works carried out, charges collected, expenditures made, and in short, of all actions taken by it.

In 1948, the Iranian Government delivered to the Iraqi Government a draft agreement, in keeping with the text and the spirit of the provision set out in the convention, to regulate navigation and administration in Shatt al-Arab. Titles of the draft agreement are as follows:

"A--Equal access to Shatt al-Arab by merchant vessels of all nations as well as by Iraqi and Iranian nonmerchant vessels and warships with full right of benefit from Shatt al-Arab for both parties.

"B--Formation of an Iranian-Iraqi mixed commission composed of two Iranians, and two Iraqis, to jointly administer the affairs of Shatt al-Arab.

"C--Vesting in the said commission of all matters connected with collection of charges and payment of expenditure, as well as with all other matters relating to navigation, as set out in article five of the convention.

"D--Decisions of the commission to be taken unanimously and reference to arbitration in case of difference."

However, the Iraqi Government, in disregard of the provisions of the convention, submitted counterproposals along the following lines:

"A--Each of the two parties were to maintain its sovereignty in such parts of Shatt al-Arab which fall within its respective zone subject to an undertaking for the exercise of their respective rights in accordance with stipulations to be agreed upon by both parties.

"B--The powers of the Shatt al-Arab commission, as proposed by the Iranian Government in its draft agreement, should not be executive but consultative."

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It is evident that the counterproposals of the Iraqi Government, particularly paragraph two thereof, conflicted entirely with the spirit and the text of the 1937 convention, as well as with the historic rights of Iran in Shatt al-Arab and they did not conform to Iran's equal rights as provided in articles four and five of the convention and in the protocol annexed thereto. Further, considering the fact that 75 percent of ships to and from Shatt al-Arab are destined for Iranian ports, and the fact that most of the waters of Shatt al-Arab come from rivers in Iran, the Iranian Government naturally could not agree to have only a consultative voice in the administration of the affairs of Shatt al-Arab, contrary to the principles laid down in the convention and to its vital interests.

It should also be pointed out that the passage of nonmerchant vessels and warships of Iran through the Shatt al-Arab, as set out in paragraph B of article four of the convention, as well as the equal rights of the Iranian and Iraqi governments in granting permits to warships and nonmerchant vessels of other countries access to the Shatt al-Arab, as provided in the protocol annexed to the convention, confirm the point that the Iraqi Government has no absolute sovereignty over the Shatt al-Arab. At approximately the time of the delivery of the draft agreement to regulate the administration of the affairs of the Shatt al-Arab, the Iranian Government proposed to the Iraqi representatives, who had accompanied the then Iraqi heir presumptive to Iran, the setting up of a joint demarcation commission with a view to resolving the border disputes between the two countries, with the idea of erecting markers in places where no disputes exist, and to refer to Baghdad and Teheran any disputes. If the dispute were not settled within a period of three months, the matter was to be referred to arbitration. The Iraqi representatives promised to give their views within one month. But they did not fulfill their promise.

Later, as a result of the efforts and urgings of the Iranian Government to resolve the disputes, in the autumn of 1957 agreement was reached between the Iranian and Iraqi government along the following lines:

A--In execution of article five of the convention, and the protocol annexed thereto, both parties have agreed to charge a joint body with the duty of drawing up in Baghdad an executive agreement for the joint administration of the affairs of the Shatt al-Arab.

B--As regards the erection of frontier markers along the borders of the two countries, both parties agreed to the principle of electing a Swedish arbitrator and thereby bringing to an end, in Teheran, the border disputes with the cooperation of the Iranian-Iraqi joint body.

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Preliminary steps were taken for this purpose when the existing regime came to power in July, 1958. It formally proclaimed that it would respect Iraq's international obligations. Particularly in the case of relations with the Government of Iran, it recognized as valid the agreement of the former regime concerning the manner in which the border disputes and the Shatt al-Arab matter would be settled.

But it is to be regretted that, in practice, not only have repeated Iranian notes to the Iraqi Government for the designation of representatives for the resolution of disputes remained unanswered, but also the Iraqi Government, by adopting an unfriendly attitude has accentuated the disputes and created fresh difficulties in relations between these two neighboring countries. Some of these difficulties are stated here:

A--the Iraqi Government, in various ways, such as withholding permission to acquire ownership of property, and by stopping dispositions of property, brought pressure to bear on Iranian nationals, with a view to their relinquishing their nationality or to emigrating from Iraq. As a result of these stringent measures about 9,000 families have had to quit their homes and households and give up their occupations and business, and return to Iran."

B--Border aggressions on Iranian villages by official Iraqi employees--policemen and soldiers--which, in most cases, have resulted in the killing of Iranians.

C--Repeated flights of Iraqi military aircraft over Iran's territory and territorial waters, and over naval units.

D--Violation of Iranian nationals' right of (ownership?) in benefiting from pastures, gardens, and (one word indistinct) as a result of illegal steps taken to create establishments.

In the Shatt al-Arab the Iraqi Government has committed the following aggressions against the indisputable rights of Iran:

A--Contrary to the protocol attached to the 1937 convention, it appropriated receipts from the Shatt al-Arab for illegal expenditures such as the creation of airports, hotels, and so forth, which have no bearing on navigation in the Shatt al-Arab, and in contravention of the aforesaid protocol it failed to render a six-monthly account to Iran.

B--It failed to provide pilotage for merchant vessels, which according to the established practice ply the Shatt al-Arab destined for Iranian ports, flying the Iranian flag.

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C--Contrary to the 1937 convention, it has given the right of priority for pilotage to ships owned by some foreign countries.

D--It denied access to ships of the Iran-Pan-American company destined for Khosrorabad. It threatened the captains of these ships flying the Iranian flag and summoned them to Basra for trial.

E--The Iraqi Government has objected to return visits paid by foreign warships which were allowed by the Iranian Government to call at Iranian ports in the Shatt al-Arab pursuant to the protocol attached to the 1937 convention.

F--On numerous occasions Iranian ships were searched and inspected without legal authority. What has been set forth above are the facts about Iranian-Iraqi disputes. By taking such unfriendly continuous steps the Iraqi Government has tended to increase the gravity and tension of the disputes between our two neighboring countries. Recently, without any proof, Iraqi Premier Gen. Abd al-Karim Qasim delivered a speech in the course of which he announced that the 1937 convention was imposed on Iraq as a result of pressure, that the Iraqi Government had given as a present to Iran a strip of water of five kilometers opposite Abadan, namely from the shores of Abadan to the Thalweg line, and that failing a settlement of the border dispute the Iraqi Government was going to take it back. It is an open secret that the principles of international law and international justice and equity required that provision should have been made in the 1937 convention to the effect that Thalweg should be the basis for determining the border of the two countries throughout the Shatt al-Arab, and not only before Abadan. In their statements responsible Iraqi authorities have sought to distort the facts and thereby shift onto the shoulders of the Iranian Government before public eyes and public opinion the responsibility which they have, thus creating a strained situation in relations between the two countries, while in fact the origin of these disputes and tensions have come from the side of the Iraqi Government. As such, the Iraqi Government has to accept the consequences arising from them.

On various grounds, and with poor excuses, the Iraqi Government has failed to carry out the provisions of and the obligations resulting from the convention, and in practice it has nullified it and made it of no effect. It has not contented itself with this, and by making threats with colonialistic statements (two words indistinct) it has aroused the (feelings?) of the nation and marred relations between the two countries. At the same time, the Iraqi Government expects that the Iranian Government should not even take the least precautionary steps to forestall probable aggression.

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It is an undeniable fact that the government has constantly, and for many years, not spared any effort or endeavor to resolve these disputes by peaceful methods. All efforts exerted by Iran have been in accordance with the principles of the U.N. Charter which constitute the basis of Iran's foreign policy. Iran will not deviate from respect for the principles of the United Nations.

The Iranian Government believes that, if the Iraqi Government, also mindful of the historic, cultural, and religious relations which have linked the two nations together, adopts this same course, and in practice displays reciprocal good faith, all disputes will be settled by peaceful means. Otherwise, it is natural that the Iranian Government cannot disregard Iraq's numerous and continued aggressions and encroachments on its just rights, and Iranian government deems it its duty to resort to any means it considers advisable to uphold Iran's indisputable rights, and to make good historic injustices, with due regard to existing circumstances and exigencies, and relying on international principles of justice and law.

As has been formally stated in the Majlis, the Iranian Government is determined to investigate the past accounts and the manner of receipts and expenditures in the Shatt al-Arab, and, as stated in the Majlis--it is necessary to repeat this point--the Iranian Government does not regard any criterion or standard except Thalweg as conforming to international principles and law, and international justice and equity, for the determination of its boundary line in the Shatt al-Arab.